

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Helen Samadi,)	C/A No. 3:16-cv-00562-DCC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
United States of America,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Defendant's Motion for Sanctions seeking dismissal of the Complaint for Plaintiff's failure to participate in discovery. ECF No. 109. Plaintiff filed a Response in Opposition on March 8, 2018, ECF No. 110, and Defendant filed a Reply, ECF No. 112. This Motion is now ripe for resolution.

In accordance with 28 U.S.C. §636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On April 17, 2018, the Magistrate Judge issued a Report recommending that the Motion be granted and the Complaint be dismissed. ECF No. 116. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. Nevertheless, Plaintiff has filed no such objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that Defendant’s Motion should be granted. Accordingly, the Court adopts the Report by reference in this Order. Defendant’s Motion for Sanctions is **GRANTED** and the Complaint is **DISMISSED** with prejudice.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.
United States District Judge

May 8, 2018
Spartanburg, South Carolina